

PHILLIP A. TALBERT
United States Attorney
JESSICA A. MASSEY
Assistant United States Attorney
2500 Tulare Street, Suite 4401
Fresno, CA 93721
Telephone: (559) 497-4000
Facsimile: (559) 497-4099

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

LUIS NOE HERNANDEZ ROJO, and
DONIS ARIEL MALDONADO

Defendant.

CASE NO. 1:21-CR-00027-JLT-SKO

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: August 17, 2022
TIME: 1:00 p.m.
COURT: Hon. Sheila K. Oberto

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendants Luis Noe Hernandez Rojo and Donis Ariel Maldonado, by and through their counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status conference on August 17, 2022.
2. By this stipulation, defendant now moves to continue the status conference until December 7, 2022, and to exclude time between August 17, 2022, and December 7, 2022, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes numerous reports, photographs, and recordings. The government has provided discovery and/or has made discovery available to counsel for review. The government is aware

1 of its ongoing discovery obligations.

2 b) Counsel for defendants desire additional time to consult with their clients, review
3 the current charges, conduct investigation, review/copy discovery, discuss potential resolutions
4 with their clients, prepare pretrial motions, and/or to otherwise prepare for trial.

5 c) Counsel for defendants believe that failure to grant the above-requested
6 continuance would deny them the reasonable time necessary for effective preparation, taking into
7 account the exercise of due diligence.

8 d) The government does not object to the continuance.

9 e) Based on the above-stated findings, the ends of justice served by continuing the
10 case as requested outweigh the interest of the public and the defendants in a trial within the
11 original date prescribed by the Speedy Trial Act.

12 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
13 et seq., within which trial must commence, the time period of August 17, 2022, to December 7,
14 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
15 T4] because it results from a continuance granted by the Court at defendant's request on the basis
16 of the Court's finding that the ends of justice served by taking such action outweigh the best
17 interest of the public and the defendant in a speedy trial.

18 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
19 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
20 must commence.

21 IT IS SO STIPULATED.

22 Dated: August 9, 2022

23 PHILLIP A. TALBERT
United States Attorney

24
25 /s/ JESSICA A. MASSEY
JESSICA A. MASSEY
26 Assistant United States Attorney
27
28

1 Dated: August 9, 2022

/s/ JOSEPH BENINCASA
JOSEPH BENINCASA
Counsel for Defendant
LUIS NOE HERNANDEZ
ROJO

4 Dated: August 9, 2022

/s/ KEVIN ROONEY
KEVIN ROONEY
Counsel for Defendant
DONIS ARIEL MALDONADO

8 **FINDINGS AND ORDER**

10 IT IS SO ORDERED.

12 DATED: 8/9/2022

14 *Sheila K. Oberto*

Hon. Sheila K. Oberto
U.S. Magistrate Judge